

REMARKS

Attached hereto are an Excess Claims Fee Letter and fee for one excess independent claim.

Claims 1-19 are all the claims presently pending in the application. Claims 1-11 have been amended for minor changes consistent with local practice. Claims 12-19 have been added to claim additional features of the invention.

It is noted that the claim amendments are made only for more particularly pointing out the invention, and not for distinguishing the invention over the prior art, narrowing the claims or for any statutory requirements of patentability. Further, Applicant specifically states that no amendment to any claim herein should be construed as a disclaimer of any interest in or right to an equivalent of any element or feature of the amended claim.

Applicant gratefully acknowledges that claims 2-7 have been allowed.

Claims 1 and 8-11 stand rejected under 35 U.S.C. § 102(a) as anticipated by Siemens TdocN4-000476.

This rejection is respectfully traversed in the following discussion.

I. THE CLAIMED INVENTION

As described and defined, for example, by claim 1, the claimed invention is directed to a communication system including a first network for transmitting a non-bandwidth-compressed signal and a second network for transmitting a bandwidth-compressed signal.

A switching node of the first network includes a transcoder for performing a

conversion between the bandwidth-compressed signal and the non-bandwidth-compressed signal. The switching node is operable in a first mode, in which the transcoder is inserted and a signal transmission is performed by performing the conversion between the bandwidth-compressed signal and the non-bandwidth-compressed signal, and a second mode, in which the bandwidth-compressed signal is transmitted as it is without using the transcoder.

The switching node of the first network includes means, which, when a terminal is moved to an area of a new switching node of the second network during the second mode, inserts the transcoder, inquires of the switching node of the second network about whether setting information of the transcoder can be changed to a setting information for the second mode and, when there is an acknowledge from the switching node of the second network, changes the mode to the second mode.

The conventional method discussed in Siemens fails to suggest making changes to the settings of a new switching node if the current settings differ from those required to continue the TrFO relation, before switching over to the new switching node.

The claimed invention, on the other hand, includes an MSC that checks whether changes necessary in the settings of the new switching node are acknowledged by the new switching node before switching over to the existing TrFO.

II. THE PRIOR ART REJECTION

The Examiner alleges that Siemens teaches the claimed invention defined by claims 1 and 8-11. Applicant submits, however, that there are elements of the claimed invention which are neither taught nor suggested by Siemens.

More specifically, the Examiner alleges that, relative to claims 1, 8, and 10: “*Siemens discloses a method for transcoder free operation (TrFO) during a handoff. Siemens teaches a mobile switching center, or MSC and a mobile switching gateway, or MGW (first network, or switching node) for establishing a TrFO (second mode) connection between two radio network controllers (RNC) RNC(sic) and RNC B (second network). When a user A moved from to (sic) a new RNC A’, a transcoder is inserted (first mode) to inquired (sic) RFCI information from the new RNC A’, and if the RFCI information is the same as the originating RNC A (which means that the setting information between the new RNC A’ and the transcoder can be changed to a TrFO setting information, or new RFCI = old RFCI), and a new TrFO connection is established (sic) (Siemens, section 2.2; Applicant’s Specification, page 5, lines 20 to page 6, line 3).*”

Applicant respectfully submits that the prior art rejection currently of record fails to meet the initial burden of a *prima facie* rejection, because the Examiner improperly reads more into the description of either Siemens or the Applicant’s Specification than is reasonable and because the interpretation fails to heed the plain language of the claims.

More specifically, contrary to the Examiner’s characterization, at line 20 of page 5 through line 3 of page 6, there is no suggestion of any changes of “setting information” when the inquiry result is that the RFCI information is not the same as that previously used by the new switching node in its previous communication. Rather, lines 1-3 of page 6 clearly describe that, if “...the RFCI information is the same as that used in the previous communication and satisfies the TrFO condition, the system is controlled such that it is shifted to the TrFO.”

Applicant submits that the plain meaning of this description does not include any

changes to the RFCI settings in any of the switching node (e.g., there are no changes to the RFCI settings in the old RNC A, the new RNC A', or the RNC B on the remote side. The only change discussed in these lines is that "...*the system is controlled such that it is shifted to the TrFO*", when it is discovered that the previous communication on the new RNC A' used the same RFCI setting being used in the requested transfer so that the TrFO condition is satisfied.

As clearly pointed out at lines 7-11 of page 6 of the Specification, a problem exists with Siemens, as addressed by the present invention, that there is no method to make preliminary changes when the RFCI settings do not agree with that required for the TrFO condition (e.g., the new RNC A' did not use the RFCI settings in its previous communication that would be compatible with the TrFO conditions of the requested transfer).

Therefore, contrary to the Examiner's characterization, in Siemens there is at most a shared feature that the transcoder is inserted to check out the previous RFCI settings used by RNC A' in its previous communication. However, there is no suggestion that, if changes are required to satisfy the current TrFO condition, then RNC A' make such changes and acknowledge that to the transcoder.

In contrast, the present invention, provides a relocation process that includes that the transcoder be inserted to, first, determine what setting is necessary to maintain the current TrFO and, second, to interface with the second network to check whether the necessary setting can be made.

Hence, turning to the clear language of the claims, in neither Siemens nor the description at line 20 of page 5 through line 3 of page 6 of the Applicant's Specification is there a teaching or suggestion of: "...inserts said transcoder, inquires of said switching node

of said second network about whether a setting information of said transcoder can be changed to a setting information for the second mode and, when there is an acknowledge from said switching node of said second network, changes the mode to the second mode”, as required by claim 1.

Similarly, relative to claim 8, there is no teaching or suggestion of: “...means for inquiring, when a terminal is moved to an area of a new switching node in the second mode of said new switching node, about whether a setting information of the transcoder, when the latter is inserted, can be changed to a setting information in the second mode and changing it to the second mode on a basis of an acknowledge from said new switching node.”

Therefore, Applicant submits that there are elements of the claimed invention that are not taught or suggest by Siemens. Therefore, the Examiner is respectfully requested to reconsider and withdraw this rejection.

III. FORMAL MATTERS AND CONCLUSION

In response to Examiner’s objections, the claims have been amended in a manner believed fully responsive to all points raised by the Examiner.

In view of the foregoing, Applicant submits that claims 1-19, all the claims presently pending in the application, are patentably distinct over the prior art of record and are in condition for allowance. The Examiner is respectfully requested to pass the above application to issue at the earliest possible time.

Should the Examiner find the application to be other than in condition for allowance, the Examiner is requested to contact the undersigned at the local telephone number listed

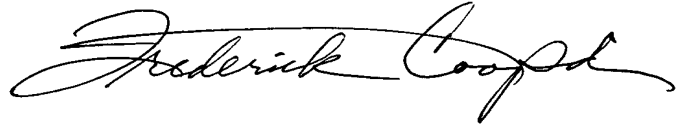
Serial No. 09/935,675
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below to discuss any other changes deemed necessary in a telephonic or personal interview.

The Commissioner is hereby authorized to charge any deficiency in fees or to credit any overpayment in fees to Attorney's Deposit Account No. 50-0481.

Respectfully Submitted,



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